

PROPOSED CONSTITUTIONAL AMENDMENTS

H.J.R. No. 75, § 1.02

against the proposition: "The constitutional amendment authorizing the legislature to settle land title disputes between the state and a private party."

Passed by the House on March 20, 2001, by the following vote: Yeas 146, Nays 1, 1 present, not voting; passed by the Senate on May 9, 2001, by the following vote: Yeas 29, Nays 0, 1 present, not voting.

Filed with the Secretary of State May 10, 2001.

H.J.R. No. 75

A JOINT RESOLUTION

proposing a constitutional amendment to eliminate obsolete, archaic, redundant, and unnecessary provisions and to clarify, update, and harmonize certain provisions of the Texas Constitution.

BE IT RESOLVED BY THE Legislature of the State of Texas:

ARTICLE 1. CHANGES TO ARTICLE III

SECTION 1.01. Section 25, Article III, Texas Constitution, is amended to read as follows:

Sec. 25. The State shall be divided into Senatorial Districts of contiguous territory, ~~[according to the number of qualified electors, as nearly as may be,]~~ and each district shall be entitled to elect one Senator ~~[- and no single county shall be entitled to more than one Senator].~~

SECTION 1.02. Section 28, Article III, Texas Constitution, is amended to read as follows:

Sec. 28. The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeable to the provisions of Sections 25 ~~and~~ 26 ~~[- and 26-a]~~ of this Article. In the event the Legislature shall at any such first regular session following the publication of a United States decennial census, fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and shall be composed of five (5) members, as follows: The Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, the Comptroller of Public Accounts and the Commissioner of the General Land Office, a majority of whom shall constitute a quorum. Said Board shall assemble in the City of Austin within ninety (90) days after the final adjournment of such regular session. The Board shall, within sixty (60) days after assembling, apportion the state into senatorial and representative districts, or into senatorial or representative districts, as the failure of action of such Legislature may make necessary. Such apportionment shall be in writing and signed by three (3) or more of the members of the Board duly acknowledged as the act and deed of such Board, and, when so executed and filed with the Secretary of State, shall have force and effect of law. Such apportionment shall become effective at the next succeeding statewide general election. The Supreme Court of Texas shall have jurisdiction to compel such ~~Board~~ ~~Commission~~ to perform its duties in accordance with the provisions of this section by writ of mandamus or other extraordinary writs conformable to the usages of law. The Legislature shall provide necessary funds for clerical and technical aid and for other expenses incidental to the work of the Board, and the Lieutenant Governor and the Speaker of the House of Representatives shall be entitled to receive per diem and travel expense during the Board's session in the same manner and amount as they would receive while attending a special session of the Legislature. ~~[This amendment shall become effective January 1, 1951.]~~

SECTION 1.03. Section 56, Article III, Texas Constitution, is amended to read as follows:

Sec. 56. (a) The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:

- (1) *the* [~~The~~] creation, extension or impairing of liens;
- (2) *regulating* [~~Regulating~~] the affairs of counties, cities, towns, wards or school districts;
- (3) *changing* [~~Changing~~] the names of persons or places;
- (4) *changing* [~~Changing~~] the venue in civil or criminal cases;
- (5) *authorizing* [~~Authorizing~~] the laying out, opening, altering or maintaining of roads, highways, streets or alleys;
- (6) *relating* [~~Relating~~] to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;
- (7) *vacating* [~~Vacating~~] roads, town plats, streets or alleys;
- (8) *relating* [~~Relating~~] to cemeteries, grave-yards or public grounds not of the State;
- (9) *authorizing* [~~Authorizing~~] the adoption or legitimation of children;
- (10) *locating* [~~Locating~~] or changing county seats;
- (11) *incorporating* [~~Incorporating~~] cities, towns or villages, or changing their charters;
- (12) *for* [~~For~~] the opening and conducting of elections, or fixing or changing the places of voting;
- (13) *granting* [~~Granting~~] divorces;
- (14) *creating* [~~Creating~~] offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;
- (15) *changing* [~~Changing~~] the law of descent or succession;
- (16) *regulating* [~~Regulating~~] the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;
- (17) *regulating* [~~Regulating~~] the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;
- (18) *regulating* [~~Regulating~~] the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;
- (19) *fixing* [~~Fixing~~] the rate of interest;
- (20) *affecting* [~~Affecting~~] the estates of minors, or persons under disability;
- (21) *remitting* [~~Remitting~~] fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;
- (22) *exempting* [~~Exempting~~] property from taxation;
- (23) *regulating* [~~Regulating~~] labor, trade, mining and manufacturing;
- (24) *declaring* [~~Declaring~~] any named person of age;

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(25) *extending* [~~Extending~~] the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;

(26) *giving* [~~Giving~~] effect to informal or invalid wills or deeds;

(27) *summoning* [~~Summoning~~] or empanelling grand or petit juries;

(28) *for* [~~For~~] limitation of civil or criminal actions;

(29) *for* [~~For~~] incorporating railroads or other works of internal improvements; or

(30) *relieving or discharging any person or set of persons from the performance of any public duty or service imposed by general law.*

(b) *In addition to those laws described by Subsection (a) of this section* [~~And~~] *in all other cases where a general law can be made applicable, no local or special law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the Legislature from passing:*

(1) *special laws for the preservation of the game and fish of this State in certain localities; and*

(2) *fence laws applicable to any subdivision of this State or counties as may be needed to meet the wants of the people.*

SECTION 1.04. Section 59, Article III, Texas Constitution, is amended to read as follows:

Sec. 59. The Legislature shall have power to pass such laws as may be necessary to provide for *Workers'* [~~Workmen's~~] Compensation Insurance for such State employees, as in its judgment is necessary or required; and to provide for the payment of all costs, charges, and premiums on such policies of insurance; providing the State shall never be required to purchase insurance for any employee.

SECTION 1.05. Section 60, Article III, Texas Constitution, is amended to read as follows:

Sec. 60. The Legislature shall have the power to pass such laws as may be necessary to enable all counties, *cities, towns, villages*, and other political subdivisions of this State to provide *Workers'* [~~Workmen's~~] Compensation Insurance, including the right of a *political subdivision* to provide its own insurance risk, for all employees of the [~~county or~~] political subdivision as in its judgment is necessary or required; and the Legislature shall provide suitable laws for the administration of such insurance in the counties, *cities, towns, villages*, or *other* political subdivisions of this State and for the payment of the costs, charges and premiums on such policies of insurance and the benefits to be paid thereunder.

SECTION 1.06. Sections 61 and 63, Article III, Texas Constitution, are repealed.

ARTICLE 2. CHANGES TO ARTICLE V

SECTION 2.01. Sections I-a(1) and (2), Article V, Texas Constitution, are amended to read as follows:

(I) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; ~~but, in the case of an incumbent whose term of office includes the effective date of this Amendment, this provision shall not prevent him from serving the remainder of said term~~

~~nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years].~~

(2) The ~~[name of the State Judicial Qualifications Commission is changed to the]~~ State Commission on Judicial Conduct~~[- The Commission]~~ consists of eleven (11) members, to wit: (i) one (1) Justice of a Court of Appeals; (ii) one (1) District Judge; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) four (4) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge of a Municipal Court; and, (vii) one (1) Judge of a County Court at Law; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership, except that the Justice of the Peace and the Judges of a Municipal Court and or a County Court at Law shall be selected at large without regard to whether they reside or hold a judgeship in the same Supreme Judicial District as another member of the Commission. Commissioners of classes (i), (ii), and (vii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, those of class (iiii) by appointment of the Governor with advice and consent of the Senate, and the commissioners of classes (v) and (vi) by appointment of the Supreme Court as provided by law, with the advice and consent of the Senate.

SECTION 2.02. Section 2, Article V, Texas Constitution, is amended to read as follows:

Sec. 2. (a) The Supreme Court shall consist of the Chief Justice and eight Justices, any five of whom shall constitute a quorum, and the concurrence of five shall be necessary to a decision of a case; provided, that when the business of the court may require, the court may sit in sections as designated by the court to hear argument of causes and to consider applications for writs of error or other preliminary matters.

(b) No person shall be eligible to serve in the office of Chief Justice or Justice of the Supreme Court unless the person is licensed to practice law in this state and is, at the time of election, a citizen of the United States and of this state, and has attained the age of thirty-five years, and has been a practicing lawyer, or a lawyer and judge of a court of record together at least ten years.

(c) Said Justices shall be elected (three of them each two years) by the qualified voters of the state at a general election; shall hold their offices six years~~[- or until their successors are elected and qualified]~~; and shall each receive such compensation as shall be provided by law. ~~[In case of a vacancy in the office of the Chief Justice or any Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state. The Justices of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their term of office under the present Constitution, and until their successors are elected and qualified.]~~

SECTION 2.03. Section 3, Article V, Texas Constitution, is amended to read as follows:

Sec. 3. (a) The Supreme Court shall exercise the judicial power of the state except as otherwise provided in this Constitution. Its jurisdiction shall be coextensive with the limits of the State and its determinations shall be final except in criminal law matters. Its appellate jurisdiction shall be final and shall extend to all cases except in criminal law matters and as otherwise provided in this Constitution or by law. The Supreme Court and the Justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law, and

under such regulations as may be prescribed by law, the said courts and the Justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs, as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.

(b) The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

~~[The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter, be required by law, and he may hold his office for four years and shall be subject to removal by said court for good cause entered of record on the minutes of said court who shall receive such compensation as the Legislature may provide.]~~

SECTION 2.04. Section 4, Article V, Texas Constitution, is amended to read as follows:

Sec. 4. (a) The Court of Criminal Appeals shall consist of eight Judges and one Presiding Judge. The Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court, and the Presiding Judge shall have the same qualifications and receive the same salary as the Chief Justice of the Supreme Court. The Presiding Judge and the Judges shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. ~~[In case of a vacancy in the office of a Judge of the Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.]~~

(b) For the purpose of hearing cases, the Court of Criminal Appeals may sit in panels of three Judges, the designation thereof to be under rules established by the court. In a panel of three Judges, two Judges shall constitute a quorum and the concurrence of two Judges shall be necessary for a decision. The Presiding Judge, under rules established by the court, shall convene the court en banc for the transaction of all other business and may convene the court en banc for the purpose of hearing cases. The court must sit en banc during proceedings involving capital punishment and other cases as required by law. When convened en banc, five Judges shall constitute a quorum and the concurrence of five Judges shall be necessary for a decision. The Court of Criminal Appeals may appoint Commissioners in aid of the Court of Criminal Appeals as provided by law.

SECTION 2.05. Section 5, Article V, Texas Constitution, is amended to read as follows:

Sec. 5. (a) The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the state, and its determinations shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law.

(b) The appeal of all cases in which the death penalty has been assessed shall be to the Court of Criminal Appeals. The appeal of all other criminal cases shall be to the Courts of Appeal as prescribed by law. In addition, the Court of Criminal Appeals may, on its own motion, review a decision of a Court of Appeals in a criminal case as provided by law. Discretionary review by the Court of Criminal Appeals is not a matter of right, but of sound judicial discretion.

(c) Subject to such regulations as may be prescribed by law, the Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and, in criminal law matters, the writs of mandamus, procedendo, prohibition, and certiorari. The Court and the Judges thereof shall have the power to issue such other writs as may be necessary to protect its jurisdiction or enforce its judgments. The court shall have the power

upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

~~[The Court of Criminal Appeals may sit for the transaction of business at any time during the year and each term shall begin and end with each calendar year. The Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.]~~

~~[The Clerk of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall continue in office for the term of his appointment.]~~

SECTION 2.06. Article V, Texas Constitution, is amended by adding Sections 5a and 5b to read as follows:

Sec. 5a. The Supreme Court, Court of Criminal Appeals, and each Court of Appeals shall each appoint a clerk of the court, who shall give bond in the manner required by law, may hold office for four years subject to removal by the appointing court for good cause entered of record on the minutes of the court, and shall receive such compensation as the legislature may provide.

Sec. 5b. The Supreme Court and the Court of Criminal Appeals may sit at any time during the year at the seat of government or, at the court's discretion, at any other location in this state for the transaction of business, and each term of either court shall begin and end with each calendar year.

SECTION 2.07. Section 6, Article V, Texas Constitution, is amended to read as follows:

Sec. 6. (a) The state shall be divided into courts of appeals districts, with each district having a Chief Justice, two or more other Justices, and such other officials as may be provided by law. The Justices shall have the qualifications prescribed for Justices of the Supreme Court. The Court of Appeals may sit in sections as authorized by law. The concurrence of a majority of the judges sitting in a section is necessary to decide a case. Said Court of Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law.

(b) Each of said Courts of Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a term of six years and shall receive for their services the sum provided by law~~[-Each Court of Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court which clerk shall receive such compensation as may be fixed by law].~~

(c) All constitutional and statutory references to the Courts of Civil Appeals shall be construed to mean the Courts of Appeals.

SECTION 2.08. Section 11, Article V, Texas Constitution, is amended to read as follows:

Sec. 11. No judge shall sit in any case wherein *the judge* ~~[he]~~ may be interested, or where either of the parties may be connected with *the judge* ~~[him]~~, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when *the judge* ~~[he]~~ shall have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of ~~[Civil]~~ Appeals, or any member of *any of those courts* ~~[either,]~~ shall be thus disqualified to hear and determine any case or cases in said court, the same shall be

certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of such cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

And the District Judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied and vacancies in their offices filled as may be prescribed by law.

SECTION 2.09. Section 13, Article V, Texas Constitution, is amended to read as follows:

Sec. 13. Grand and petit juries in the District Courts shall be composed of twelve *persons* [~~men~~]; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SECTION 2.10. Article V, Texas Constitution, is amended by adding Section 14 to read as follows:

Sec. 14. (a) The legislature shall prescribe by law the qualifications of grand jurors and petit jurors.

(b) The legislature shall enact laws to exclude from serving on juries persons who have been convicted of bribery, perjury, forgery, or other high crimes.

SECTION 2.11. Section 17, Article V, Texas Constitution, is amended to read as follows:

Sec. 17. The County Court shall hold terms as provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries empaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts or other inferior courts, having jurisdiction to try them for trial; and if such indictment be quashed in the County, or other inferior court, the person charged, shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six *persons* [~~men~~]; but no jury shall be empaneled to try a civil case unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless *the party* [~~he~~] makes affidavit that *the party* [~~he~~] is unable to pay the *jury fee* [~~same~~].

SECTION 2.12. Sections 18(e), (f), and (g), Article V, Texas Constitution, are amended to read as follows:

(e) The office of Constable *is abolished* in Mills County, Reagan County, and Roberts County [~~is abolished~~]. The powers, duties, and records of the office are transferred to the County Sheriff.

(f) [~~The office of Constable in Reagan County and the office of Constable in Roberts County are abolished. The functions of the office are transferred to the County Sheriff. However, the office of Constable is abolished under this subsection only if, at the statewide election at which the constitutional amendment providing for the abolition is submitted to~~]

~~the voters, a majority of the voters of Reagan County or Roberts County, as applicable, voting on the question at that election favor the amendment.]~~

~~[(g)]~~ The Legislature by general law may prescribe the qualifications of constables.

SECTION 2.13. Section 28, Article V, Texas Constitution, is amended to read as follows:

Sec. 28. (a) *A vacancy* ~~[VACANCIES IN OFFICES OF JUDGES OF SUPERIOR COURTS TO BE FILLED BY THE GOVERNOR. Vacancies]~~ in the office of *Chief Justice, Justice, or Judge* ~~[judges]~~ of the Supreme Court, the Court of Criminal Appeals, the Court of ~~[Civil]~~ Appeals, or ~~[and]~~ the District Courts shall be filled by the Governor until the next succeeding General Election *for state officers, and at that election the voters shall fill the vacancy for the unexpired term.*

(b) *A vacancy* ~~[-; and vacancies]~~ in the office of County Judge *or Justice* ~~[and Justices]~~ of the Peace shall be filled by the Commissioners Court until the next succeeding General Election.

SECTION 2.14. Section 29, Article V, Texas Constitution, is amended to read as follows:

Sec. 29. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the *Commissioners* ~~[Commissioners']~~ Court of the county under authority of law, and such other terms each year as may be fixed by the *Commissioners* ~~[Commissioners']~~ Court; provided, the *Commissioners* ~~[Commissioners']~~ Court of any county having fixed the times and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. ~~[Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men.]~~ Until otherwise provided, the terms of the County Court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

SECTION 2.15. Sections 3a and 27, Article V, Texas Constitution, are repealed.

ARTICLE 3. CHANGES TO ARTICLE VI

SECTION 3.01. Section 1, Article VI, Texas Constitution, is amended to read as follows:

Sec. 1. (a) The following classes of persons shall not be allowed to vote in this State~~[-; to wit]~~:

(1) *persons* ~~[First: Persons]~~ under 18 years of age; ~~[-]~~

(2) ~~[Second: All]~~ persons who have been determined mentally incompetent by a court, subject to such exceptions as the Legislature may make; ~~and~~ ~~[-]~~

(3) ~~[Third: All]~~ persons convicted of any felony, subject to such exceptions as the Legislature may make.

(b) *The legislature shall enact laws to exclude from the right of suffrage persons who have been convicted of bribery, perjury, forgery, or other high crimes.*

SECTION 3.02. Section 2, Article VI, Texas Constitution, is amended to read as follows:

Sec. 2. (a) Every person subject to none of the ~~[foregoing]~~ disqualifications *provided by Section 1 of this article or by a law enacted under that section* who is ~~[shall be]~~ a citizen of the United States and who is a resident of this state shall be deemed a qualified voter; provided, however, that before offering to vote at an election a voter shall have registered, but such requirement for registration shall not be considered a qualification of a voter within

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the meaning of the term "qualified voter" as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election.

(b) The Legislature may authorize absentee voting.

(c) *The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence in elections from power, bribery, tumult, or other improper practice.*

ARTICLE 4. CHANGES TO ARTICLE VII

SECTION 4.01. Section 6, Article VII, Texas Constitution, is amended to read as follows:

Sec. 6. All lands heretofore, or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the *Commissioners* [Commissioners'] Court of the county. [~~Actual settlers residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers.~~] Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal shall be available fund.

SECTION 4.02. Article VII, Texas Constitution, is amended by adding Section 9-a to read as follows:

Sec. 9-a. TEMPORARY PROVISION. (a) All land and other property set apart under former Section 9 of this article to provide a permanent fund described by former Section 9 and constituting such a fund on the date former Section 9 of this article is repealed shall be sold by the General Land Office as soon as practicable after that date and the proceeds shall be deposited to the credit of the general revenue fund to be appropriated for the benefit of education.

(b) All money remaining in the permanent funds established under former Section 9 of this article on the date that section is repealed shall be transferred on that date to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf, in equal shares. All outstanding income accrued to the benefit of those permanent funds before that date that are collected after that date and before this section expires shall be deposited to the credit of the general revenue fund.

(c) This section expires January 1, 2005.

SECTION 4.03. Sections 4A and 9, Article VII, Texas Constitution, are repealed.

ARTICLE 5. CHANGES TO ARTICLE VIII

SECTION 5.01. Section I-a, Article VIII, Texas Constitution, is amended to read as follows:

Sec. I-a. [~~No State ad valorem tax shall be levied upon any property within this State.~~] The several counties of the State are authorized to levy ad valorem taxes upon all property within their respective boundaries for county purposes, except the first Three Thousand

Dollars (\$3,000) value of residential homesteads of married or unmarried adults, ~~[male or female,]~~ including those living alone, not to exceed thirty cents (30¢) on each One Hundred Dollars (\$100) valuation, in addition to all other ad valorem taxes authorized by the Constitution of this State, provided the revenue derived therefrom shall be used for construction and maintenance of Farm to Market Roads or for Flood Control, except as herein otherwise provided.

SECTION 5.02. Section 1-e, Article VIII, Texas Constitution, is amended to read as follows:

Sec. 1-e. ~~[1-]~~ No State ad valorem taxes shall be levied upon any property within this State.

~~[2. All receipts from previously authorized State ad valorem taxes that are collected on or after the effective date of the 1982 amendment to this section shall be deposited to the credit of the general fund of the county collecting the taxes and may be expended for county purposes. Receipts from taxes collected before that date shall be distributed by the legislature among institutions eligible to receive distributions under prior law. Those receipts and receipts distributed under prior law may be expended for the purposes provided under prior law or for repair and renovation of existing permanent improvements.]~~

SECTION 5.03. Section 14, Article VIII, Texas Constitution, is amended to read as follows:

Sec. 14. (a) *The qualified voters of each county shall elect an assessor-collector of taxes for the county, except as otherwise provided by this section.*

(b) In any county having a population of less than 10,000 inhabitants, as determined by the most recent decennial census of the United States, the sheriff of the county, in addition to that officer's other duties, shall be the assessor-collector of taxes, except that the commissioners court of such a county may submit to the qualified voters of the county at an election the question of electing an assessor-collector of taxes as a county officer separate from the office of sheriff. If a majority of the voters voting in such an election approve of electing an assessor-collector of taxes for the county, then such official shall be elected at the next general election for the constitutional term of office as is provided for other tax assessor-collectors in this state.

(c) An assessor-collector of taxes ~~[Except as provided in Section 16 of this Article, there shall be elected by the qualified voters of each county, an Assessor and Collector of Taxes, who shall hold [his] office for four years [and until his successor is elected and qualified]; and [such Assessor and Collector of Taxes] shall perform all the duties with respect to assessing property for the purpose of taxation and of collecting taxes, as may be prescribed by the Legislature.~~

SECTION 5.04. Sections 16 and 16a, Article VIII, Texas Constitution, are repealed.

ARTICLE 6. CHANGES TO ARTICLE IX

SECTION 6.01. Section 8, Article XVI, Texas Constitution, is redesignated as Section 14, Article IX, Texas Constitution, and amended to read as follows:

Sec. 14 [8]. Each county in the State may provide, in such manner as may be prescribed by law, a Manual Labor Poor House and Farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants.

ARTICLE 7. CHANGES TO ARTICLE XI

SECTION 7.01. Section 7, Article XI, Texas Constitution, is amended to read as follows:

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Sec. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized upon a vote of the majority of the *qualified voters* ~~[resident property taxpayers]~~ voting thereon at an election called for such purpose to levy and collect such tax for construction of sea walls, breakwaters, or sanitary purposes, as may now or may hereafter be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent (2%) as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

SECTION 7.02. Section 11, Article XI, Texas Constitution, is amended to read as follows:

Sec. 11. (a) A Home Rule City may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; ~~provided [-~~

~~[Provided], however, that [if any of] such officers, elective or appointive, are subject to Section 65(b), Article XVI, of this constitution, providing for automatic resignation in certain circumstances, in the same manner as a county or district officer to which that section applies [shall announce their candidacy, or shall in fact become a candidate, in any general, special or primary election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled].~~

(b) A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality, and any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur.

ARTICLE 8. CHANGES TO ARTICLE XVI

SECTION 8.01. Section 1, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 1. (a) ~~All [Members of the Legislature, and all other]~~ elected *and appointed* officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

(b) ~~All [Each member of the Legislature and all other]~~ elected *or appointed* officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

"I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of

value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected *or as a reward to secure my appointment or confirmation, whichever the case may be*, so help me God."

(c) ~~[The Secretary of State, and all other appointed officers, before entering upon the duties of their offices, shall take the following Oath or Affirmation:]~~

~~["I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."]~~

~~[(d) The Secretary of State, and all other appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:]~~

~~["I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed, or promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or confirmation thereof, so help me God."]~~

~~[(e)] Members of the Legislature, the Secretary of State, and all other elected and appointed state officers shall file the signed statement required by Subsection (b) of this section with the Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (a) of this section. All~~

~~[(f) The Secretary of State and all other [appointed] officers shall retain [file] the signed statement required by Subsection (b) [(d)] of this section with the official records of the office [Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (c) of this section].~~

SECTION 8.02. Section 2, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 2. Laws shall be made to exclude from office *persons who have been* ~~[, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be]~~ convicted of bribery, perjury, forgery, or other high crimes. ~~[The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult or other improper practice.]~~

SECTION 8.03. Section 11, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 11. The Legislature shall have authority to ~~[classify loans and lenders, license and regulate lenders,]~~ define interest and fix maximum rates of interest; provided, however, in the absence of legislation fixing maximum rates of interest all contracts for a greater rate of interest than ten per centum (10%) per annum shall be deemed usurious; provided, further, that in contracts where no rate of interest is agreed upon, the rate shall not exceed six per centum (6%) per annum. ~~[Should any regulatory agency, acting under the provisions of this Section, cancel or refuse to grant any permit under any law passed by the Legislature; then such applicant or holder shall have the right of appeal to the courts and granted a trial de novo as that term is used in appealing from the justice of peace court to the county court.]~~

SECTION 8.04. Section 23, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 23. The Legislature may pass laws for the regulation of live stock and the protection of stock raisers in the stock raising portion of the State, and exempt from the operation of such laws other portions, sections, or counties; and shall have power to pass general and special laws for the inspection of cattle, stock and hides and for the regulation of brands;

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provided, that any local law thus passed shall be submitted to the *qualified voters* [~~freeholders~~] of the section to be affected thereby, and approved by them, before it shall go into effect.

SECTION 8.05. Sections 19, 22, 43, 56, and 65A, Article XVI, Texas Constitution, are repealed.

ARTICLE 9. TEMPORARY TRANSITION PROVISION; ELECTION

SECTION 9.01. The following temporary provision is added to the Texas Constitution:

TEMPORARY TRANSITION PROVISION. (a) This section applies to the amendments to this constitution proposed by H.J.R. No. 75, 77th Legislature, Regular Session, 2001.

(b) The reenactment of any provision of this constitution for purposes of amendment does not revive a provision that may have been impliedly repealed by the adoption of a later amendment.

(c) The amendment of any provision of this constitution does not affect vested rights.

SECTION 9.02. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2001. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to eliminate obsolete, archaic, redundant, and unnecessary provisions and to clarify, update, and harmonize certain provisions of the Texas Constitution."

Passed by the House on April 24, 2001, by the following vote: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate on May 15, 2001, by the following vote: Yeas 28, Nays 1, 1 present, not voting.

Filed with the Secretary of State May 17, 2001.

H.J.R. No. 81

A JOINT RESOLUTION

proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-d-9 to read as follows:

Sec. 49-d-9. (a) The Texas Water Development Board may issue additional general obligation bonds, at its determination, for one or more accounts of the Texas Water Development Fund II, in an amount not to exceed \$2 billion. Of the additional general obligation bonds authorized to be issued, \$50 million of those bonds shall be used for the water infrastructure fund as provided by law.

(b) Section 49-d-8 of this article applies to the bonds authorized by this section. The limitation in Section 49-d-8 of this article that the Texas Water Development Board may not issue bonds in excess of the aggregate principal amount of previously authorized bonds does not apply to the bonds authorized by and issued under this section.